

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/796,727
Filing Date: March 9, 2004
Applicants: Larry L. Byers et al.
Group Art Unit: 2186
Examiner: Shane M. Thomas
Title: SERVO CONTROLLER INTERFACE MODULE FOR EMBEDDED
DISK CONTROLLERS
Attorney Docket: MP0787

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

STATEMENT REGARDING NON-RECEIPT OF OFFICE ACTION

Sir:

I, RACHAEL A. OVERMYER, hereby declare as follows:

1. I am a Legal Assistant for Harness, Dickey & Pierce, P.L.C., and I am the person responsible for handling intake of the Final Office Action dated April 15, 2008 if it had been received by the U.S. Patent and Trademark Office.
2. A search of the file jacket and docket records at our firm indicate that the April 15, 2008 Final Office Action was not received in the above-identified application at the correspondence address of record (Harness, Dickey & Pierce, P.L.C., P.O. Box 828, Bloomfield Hills, Michigan 48303).

3. This docketing system used (Computer Packages Inc.) by Applicants' representative's firm indicates the application number, attorney docket number, the mail date of each action, a description of each action due, the due date, and the date each action has been completed. When an action is received at the correspondence address of record, Harness, Dickey & Pierce's Docketing Department inputs all pertinent information into the Computer Packages Inc. software and generates a monthly docket report for each attorney at the firm.
4. Submitted herewith is an Attorney Docket Report showing where the non-received Final Office Action would have been entered had it been received. This document discloses the receipt of other correspondence mailed from the U.S. Patent and Trademark Office to the corresponding address of record, but fails to show receipt of the of the Office Action with the April 15, 2008 mail date.
5. Also submitted herewith is a Master Docket Report showing all replies docketed for a date three months from the mail date of the non-received Final Office Action, specifically May 1, 2008 – July 31, 2008.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made upon information and belief are believed to be true and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any United States Patent issuing on the present application.

Dated: May 15, 2009

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MDW/DMA/rao

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By: Rachael A. Overmyer
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